

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15566 of the Citizens Housing Development Corporation, as amended, pursuant to 11 DCMR 3108.1, and 3107.2 for a special exception under Sections 353, 401.3 and 410 to prescribe the minimum lot area and width for new residential development as an apartment house with division walls from the ground up to be erected and deemed a single building, a variance from the floor area ratio requirements (Sub-section 402.4), and a variance from the percentage of lot occupancy requirements (Sub-section 403.2) for a 12-unit condominium in an R-5-A District at premises 4625-4639 Minnesota Avenue, N.E., (Square 5160, Lots 74-81).

HEARING DATE: September 11, November 13 and 20, 1991
DECISION DATE: November 20, 1991 (Bench Decision)

SUMMARY ORDER

At the September 11, 1991 public hearing, the application was amended to include a variance from the floor area ratio requirements of Sub-section 402.4 and a variance from the lot occupancy requirements of Sub-section 403.2. The amended application was re-advertised for the public hearing of November 13, 1991. Because of a lack of a quorum to hear the case with Carrie L. Thornhill recusing herself, the case was postponed until the public hearing of November 20, 1991.

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 7C and to owners of property within 200 feet of the site.

The site of the application is located within the jurisdiction of ANC 7C. ANC 7C, which is automatically a party to the application, by letter dated August 30, 1991, supported the granting of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a variance from the strict application of the requirements of 11 DCMR 402.4 and 403.2, and a special exception pursuant to 11 DCMR 353, 401.3 and 410. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

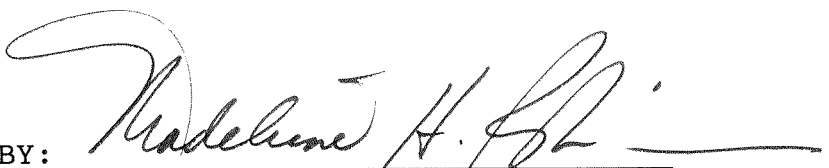
Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108 and 3107, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map. It is therefore ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the revised plans marked as Exhibit No. 40B of the record.
2. The applicant shall execute a "First Source Employment Agreement" with the D.C. Department of Human Services and Minority Business Development for hiring contractors and sub-contractors for the proposed construction.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.1 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 3-0 (John G. Parsons, Paula L. Jewell and Sheri M. Pruitt to grant; Charles R. Norris not present, not voting; Carrie L. Thornhill not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 
MADELIENE H. ROBINSON
Acting Director

FINAL DATE OF ORDER: NOV 26 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER

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IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENMTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15566Order/SS/bhs

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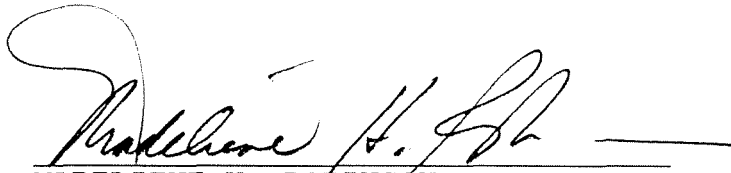


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As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on NOV 26 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Christopher Lo Piano
3917 Minnesota Avenue, N.E.
Washington, D.C. 20019

Mary Gaffney, Chairperson
Advisory Neighborhood Commission 7-C
4651 N.H. Burroughs Avenue, N.E.
Washington, D.C. 20019


MADELIENE H. ROBINSON
Acting Director

DATE: NOV 26 1991

15566Att/bhs